IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 33964 of 2005(R)

PETITIONER:

B. VIKRAMAN NAIR,S/O.BALAKRISHNAN PILLAI
AGED 53 YEARS, SUPERVISOR, PERFORMANCE AUDIT
UNIT II, CHENKAL, UDIYANKULANGARA, AMARAVILA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY CHIEF SECRETARY,
   GOVERNMEN OF KERALA, SECRETARIAT, TRIVANDRUM.

2. **SECRETARY,**
   LSG DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

3. **PANCHAYAT DIRECTOR,**
   OFFICE OF THE PANCHAYATH, DIRECTOR, TRIVANDRUM.

4. **C. VELAYUDHAN,**
   SUPERVISOR, P.A. UNIT-4, PERAMBRA,
   KOZHIKODE DISTRICT.

5. **P.P. BHASKARAN,**
   SUPERVISOR, P.A. UNIT-II, KONNAMANGALAM,
   KOZHIKODE DISTRICT.

6. **CHERIAN JAMES,**
   SUPERVISOR, P.A. UNIT-III, CHORODU, KOZHIKODE.

7. **S.R. RAVINAIR,**
   SUPERVISOR, P.A. UNIT V, OFFICE OF THE
   DEPUTY DIRECTOR OF PANCHAYATH, THIRUVANANTHAPURAM.

...2/-

8. T. RATNAKUMAR,
SUPERVISOR, P.A. UNIT II, KONDOTTY, MALAPPURAM.

9. C. RAJENDRAN,
SENIOR SUPERINTENDENT, O/O. THE DIRECTOR OF PANCHAYAT, TRIVANDRUM.

10. GRACY THOMAS,
SUPERVISOR, P.A. UNIT-I, KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.RAM MOHAN.G..
BY GOVT.PLEADER SMT.K.L.LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.33064/2005R

APPENDIX

PETITIONERS EXHIBITS ;

EXT.P1. **COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DT.26.8.1997.**

EXT.P2. **COPY OF THE NOTIFICATION DT.30.7.2004 ISSUED BY THE 3RD RESPONDENT.**

EXT.P3. **COPY OF THE ORDER DATED 21.10.2004 OF THE 3RD RESPONDENTS**

EXT.P4. **COPY OF THE LETTER DATED 9.6.2005 ISSUED BY THE 3RD RESPONDENTS.**

EXT.P5. **COPY OF THE LIST DATED 30.9.2005**

EXT.P6. **COPY OF THE REPRESENTATION DT. 26.7.2005**

EXT.P7. **COPY OF POSTAL ACKNOWLEDGEMENT CARD INDICATING RECEIPT OF THE EXT.P6 REPRESENTATION.**

RESPONDENT'S ANNEXURE:

ANNEXURE A1: **COPIES OF THE REPORT DTD. 6/12/2006.**

/TRUE COPY/

PGR

K.K.DENESAN, J.

WP(C)No. 33964 OF 2005

Dated this the 13th February, 2007.

JUDGMENT

The petitioner is working as Supervisor in the Performance Audit Unit II in Thiruvananthapuram district. He belongs to the cadre of Special Grade Secretary in the Panchayat Department. In the select list published by the second respondent for the year 2004 the petitioner was shown against serial No: 32. In that list names of 38 Special Grade Secretaries were included. According to the petitioner though sufficient number of vacancies in the post of Supervisor for which post the select list was prepared had occurred, respondents 1 to 3 considered the case of rank holders upto 29 for promotion to the post of Supervisor and the other vacancies were left unfilled. It is contended that but for such action on the part of the respondents the petitioner also would have been promoted as Supervisor in the year 2004 itself.

2. The petitioner submitted representations before the concerned authorities to consider his case for promotion to the post of Supervisor by virtue of his inclusion in the select list against serial No:32. Ext.P6 representation filed by the petitioner is pending with the third

respondent. It appears that in Annexure A1 report certain observations have been made about the legitimacy of the claim made by the petitioner for promotion to the post of Supervisor in the year 2004 based on the rank assigned to him as serial No:32 in the select list.

3. Counsel for the petitioner submits that petitioner is due to retire from service by the end of March 2007 and therefore, he will be satisfied if this Court directs the third respondent to dispose of Ext.P6 within a short period.

4. I have heard Govt. Pleader for respondents 1 to 3 and counsel appearing for party respondents.

5. In the circumstances, I am inclined to dispose of the writ petition by directing the third respondent to consider the representation of the petitioner evidenced by Ext.P6, after issuing notice to him as also respondents 4 to 10. Since the petitioner has made a further claim that his right to be assigned a higher rank in the select list, hi request for convening an ad hoc DPC also shall be taken up for consideration. Ordered accordingly. After affording the petitioner and the party respondents an opportunity of being heard in case they respond to the notice, final decision shall be taken on Ext.P6 within one month from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment

before the third respondent for compliance.

K.K.DENESAN
Judge

jj